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# HOUSE BILL No. 1173

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 22-4-15-4.

**Synopsis:** Unemployment insurance. Provides that pension, retirement, or annuity payments under any plan of a base period employer for which the employer contributes all of the money are deductible from an individual's unemployment benefit for a week only if: (1) some or all of the benefits otherwise payable are chargeable to the experience or reimbursable account of the employer; and (2) services performed by the individual for the employer after the beginning of the base period affect the individual's eligibility for, or increase the amount of, the benefits paid. Provides that federal old age, survivors, and disability insurance benefits and rollover distributions that are not included in the individual's gross income for federal income tax purpose are not payments that are deductible from an individual's unemployment benefit.

**Effective:** July 1, 2010.

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**Bartlett**

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January 7, 2010, read first time and referred to Committee on Labor and Employment.

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Introduced

Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

## HOUSE BILL No. 1173

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 22-4-15-4 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. (a) An individual  
3       shall be ineligible for waiting period or benefit rights for any week with  
4       respect to which the individual receives, is receiving, or has received  
5       payments equal to or exceeding ~~his~~ **the individual's** weekly benefit  
6       amount in the form of:

7               (1) deductible income as defined and applied in IC 22-4-5-1 and  
8               IC 22-4-5-2; or

9               (2) any pension, retirement, or annuity payments under any plan  
10              of ~~an~~ **a base period** employer whereby the employer contributes  
11              ~~a portion or~~ all of the money. This disqualification ~~shall apply~~  
12              **applies** only if:

13                   (A) some or all of the benefits otherwise payable are  
14                   chargeable to the experience or reimbursable account of ~~such~~  
15                   **the** employer or would have been chargeable except for the  
16                   application of this chapter; **and**

17                   **(B) services performed by the individual for the employer**



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1 after the beginning of the base period affect the  
 2 individual's eligibility for, or increase the amount of, the  
 3 benefits paid.

4 (b) For the purposes of ~~this subdivision (2)~~, subsection (a)(2):

5 (1) federal old age, survivors, and disability insurance benefits;  
 6 and

7 (2) rollover distributions that are not included in the  
 8 individual's gross income for federal income tax purposes;

9 are not considered payments under a plan of an employer whereby the  
 10 employer maintains the plan or contributes a portion or all of the  
 11 money to the extent required by federal law.

12 ~~(b)~~ (c) If the payments described in subsection (a) are less than ~~his~~  
 13 **an individual's** weekly benefit amount an otherwise eligible individual  
 14 shall not be ineligible and shall be entitled to receive for such week  
 15 benefits reduced by the amount of such payments.

16 ~~(c)~~ (d) This section does not preclude an individual from delaying  
 17 a claim to pension, retirement, or annuity payments until the individual  
 18 has received the benefits to which the individual would otherwise be  
 19 eligible under this chapter. Weekly benefits received before the date  
 20 the individual elects to retire shall not be reduced by any pension,  
 21 retirement, or annuity payments received on or after the date the  
 22 individual elects to retire.

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